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OFFICE OF PETITIONS

In re Application of :
Jing-Shan Hu et al :
Application No. 09/219,442 :
Filed: December 23, 1998 :
Attorney Docket No. PF112P2D1 :

ON PETITION

This is a decision on the petition, filed February 3, 2006, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on June 16, 2005, in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

The instant petition under 37 CFR 1.313(c)(2), the RCE and the IDS, filed on February 3, 2006, are not signed by an attorney of record. However, in accordance with 37 CFR 1.34(a), the signature of Helene C. Carlson appearing on the correspondence shall constitute a representation to the United States Patent and Trademark Office that she is authorized to represent the particular party in whose behalf she act. However, if Ms. Carlson desires to receive correspondence regarding this file, the appropriate power of attorney documentation must be submitted. A courtesy copy of this decision is being mailed to Ms. Carlson, the

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: "Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above." Petitioner is advised that, whether a fee is indicated as being due or not, the issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

petitioner herein. Until otherwise instructed, all future correspondence regarding this application file will be directed solely to the above-noted correspondence address of record.

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

This matter is being referred to Technology Center Art Unit 1647 for processing of the request for continued examination under 37 CFR 1.114 filed February 3, 2006.

A handwritten signature in black ink that reads "Karen Creasy". The signature is fluid and cursive, with the first name "Karen" and last name "Creasy" clearly distinguishable.

Karen Creasy
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

cc:
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Paper No. _____

Date : February 6, 2006
TO : Director, Office of Patent Publication
FROM : Office of the Deputy Commissioner
for Patent Examination Policy
SUBJECT : Withdrawal from Issue of
Applicant(s) :Jing-Shan Hu et al
Application No. :09/219,442
Filed :December 23, 1998

The above-identified application has been assigned Patent No. 6,998,386 and an issue date of February 14, 2006.

It is hereby directed that this application be withdrawn from issue at the request of the applicant.

Do not refund the issue fee.

The following erratum should be published in the Official Gazette if the above-identified application is published in the OG of February 14, 2006:

"All reference to Patent No. 6,998,386 to Jing-Shan Hu et al of California for VASCULAR ENDOTHELIAL GROWTH FACTOR 2 AND METHOD OF USE appearing in the Official Gazette of February 14, 2006 should be deleted since no patent was granted."

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

cc: Paul Harrison, MDW-4B03, (FAX-273-5468)
Deneise Boyd, MDE-3D39 (FAX-273-5124)
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